

The full scale of enforcement actions will be as detailed in the Enforcement Response Plan.

C. Administrative Orders

Any user who after receiving a Notice of Violation shall continue to discharge in violation of this ordinance or other pretreatment standards or requirements or is determined to be a chronic or persistent violator or who is determined to be a significant violator, shall be ordered to appear before the City of Taylorsville. At said appearance, a compliance schedule will be given to the non-conforming user and an administrative fine assessed. The fine shall be determined on a case-by-case basis which shall consider the type and severity of violations, duration of violation, number of violations, severity of impact on the POTW, impact on human health, users economic benefit from the violation, history of violations, good faith of the user, and shall be a non-arbitrary but appropriate amount.

The administrative order may take any of the following three forms:

1. Consent Orders

The Superintendent or their designee is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing and agreement with the industrial user responsible for the noncompliance. Such orders will include specific action to be taken by the industrial user to correct the noncompliance within a time period also specified by the order. Consent Orders shall have the same force and effect as orders issued pursuant to Article IX, Section C.3. below.

2. Compliance Order

When the Superintendent or their designee finds that an industrial user has violated or continues to violate the ordinance or a permit or order issued thereunder, he may issue an order to the industrial user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring and management practices.

3. Cease and Desist Orders

When the Superintendent finds that an industrial user has violated or continues to violate this ordinance or any permit or order issued hereunder, the Superintendent may issue an order to cease and desist all such violations and direct those person in noncompliance to: a) comply forthwith, or b) take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

D. Show Cause Hearing

- 3 - 1. The Superintendent or their designee may issue to any user who causes or contributes to violations of this ordinance, wastewater permit or order issued hereunder, an order to appear and show cause why the proposed enforcement action should not be taken.

A notice shall be served on the user specifying the time and place of the hearing to be held by the Superintendent regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause, before the Superintendent, why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of the industrial user. Whether or not a duly notified industrial user or its representative appears, immediate enforcement action may be pursued.

2. The City of Taylorsville may, itself, conduct the hearing and take the evidence, or designate a representative to:
 - (a) Issue, in the name of the Sanitation District notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing;
 - (b) Take the evidence;
 - (c) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the City of Taylorsville for action thereon.
3. At any hearing held pursuant to this ordinance, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.
4. After the City of Taylorsville has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices, or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

E. Additional Enforcement Remedies

1. Performance Bonds

The Superintendent may decline to reissue a permit to any industrial user which has failed to comply with the provisions of this ordinance or any order or previous permit issued hereunder unless such user first files with it a satisfactory bond, payable to the City of Taylorsville, in a sum not to exceed a value determined by the Superintendent to be necessary to achieve consistent compliance.

2. Liability Insurance

The Superintendent may decline to reissue a permit to any industrial user which has failed to comply with the provisions of this ordinance or any order or previous permit issued hereunder, unless the industrial user first submits proof that it has obtained financial assurances sufficient to restore or repair POTW damage caused by its discharge.

ARTICLE X - PENALTIES

A. Written Notice

Any user found to be violating any provision of this ordinance or a wastewater permit or order issued hereunder, shall be served by the Superintendent or their designee with written notice stating the nature of the violation. The offender shall permanently remedy all violations upon receipt of this notice.

As contained in Article IX, the notice may be of several forms. Also as contained in Article IX, penalties of various forms may be levied against users for violations of this ordinance. The penalties, if levied, shall range from publication of violators in the local newspaper to administrative fines of at least \$1,000.00 per day per violation.

B. Revocation of Permit

Any user violating any of the provision of this ordinance or a wastewater permit order issued hereunder, may be subject to termination of its authority to discharge sewage into the city sewer system. Such termination may be immediate if necessary for the protection of the POTW. Said user may also have water service terminated.

Any user who violated the following conditions of this ordinance, or applicable State or Federal Regulations, is subject to having his permit revoked in accordance with the procedures of this ordinance.

1. Failure of a user to factually report the wastewater constituents and characteristics of his discharge;
2. Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;
3. Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
4. Violation of conditions of the permit.

C. Liability

Any user violating any of the provision of this Ordinance, discharge permit or other order issued hereunder shall become liable to the City of Taylorsville for any expense, loss or damage occasioned by the City of Taylorsville by reason of such violation. This civil liability is as provided by state and federal regulations.

D. Misrepresentation and/or Falsifying of Documents

Any user who knowingly and/or negligently makes any false statements, representations or certification of any application, record, plan or other document filed or required pursuant to this

Ordinance or Industrial User Discharge Permit or who falsifies, tampers with or knowingly and/or negligently renders inaccurate any monitoring device or method required under this Ordinance; shall be punished by a fine of at least \$1,000.00 or by imprisonment for not more than twelve (12) months or by both.

E. Destruction of Sewer System or POTW and Legal Action

No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is part of the POTW. Any person(s) violating this provision shall be subject to immediate arrest under charge of disorderly conduct. It shall be noted that the Clean Water Act does not require proof of specific intent to obtain conviction.

F. Legal Action

If any person discharges sewage, industrial wastes or other wastes into the City of Taylorsville's wastewater disposal system contrary to the provisions of this ordinance, Federal or State Pretreatment Requirements or any order of the City of Taylorsville, the City of Taylorsville may commence an action for appropriate legal and/or equitable relief in the appropriate Court of this jurisdiction.

G. Injunctive Relief

Whenever a user has violated or continues to violate the provisions of this ordinance or permit or order issued hereunder, the Superintendent through counsel may petition the Court for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains or compels the activities on the part of the industrial user.

H. Civil Penalties

1. Any user who has significantly violated or continues to violate this ordinance or any order or permit issued hereunder, may be liable to the City of Taylorsville for a civil penalty of not more than \$500.00 per day plus actual damages incurred by the POTW per violation per day for as long as the violation continues. Each day in which such violation shall continue shall be deemed a separate offense. In addition to the above described penalty and damages, the Superintendent may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses associated with the enforcement activities including sampling and monitoring expenses.
2. The Superintendent may petition the Court to impose, assess and recover such sums. In determining amount of liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the industrial user's violation, corrective actions by the industrial user, the compliance history of the user and any other factor as justice requires.

1. Criminal Prosecution

1. Violations - General

- a. Any user who willfully or negligently violates any provision of this ordinance or any orders or permits issued hereunder shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed \$500.00 per violation per day or imprisonment for not more than one (1) year or both.
- b. In the event of a second conviction, the user shall be punishable by a fine not to exceed \$10,000.00 per violation per day or imprisonment for not more than three (3) years or both.

ARTICLE XI - VALIDITY

A. Severability

If any provision, paragraph, word, section or article of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.

B. Conflict

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this ordinance are hereby repealed to the extent of such inconsistency or conflict.

ARTICLE XII - ORDINANCE IN FORCE

This ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

FIRST READING

The first reading of this ordinance was held on the 1st day of JUNE.

Steph A. Bui
CLERK

SECOND READING

The second reading of this ordinance was held on the 6th day of July and upon a roll call vote was adopted by the Commission of City of Taylorsville, Spencer County, Kentucky.

Steph A. Bui
CLERK

I, DON PAY, MAYOR of the
City of Taylorsville, hereby accept and approve the foregoing Ordinance and direct same to be
published in full this 14th day of July, 2001.

Don Pay

ATTEST:

Steph A. Bui